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# **Transportation Impact Fees In the North Front Range Metropolitan Planning Organization**

## **2002 REPORT**



**With assistance from:**  
The 13 NFR MPO members: Larimer County, Weld County,  
Fort Collins, Greeley, Loveland, Berthoud, Windsor, Johnstown,  
Milliken, Evans, Garden City, La Salle and Timnath.

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## **Preface**

Even for those new to the North Front Range area, news of growth comes as no surprise. Colorado has been ranked the third fastest growing state in the nation and the North Front Range area represents a significant piece of that growth. Of the 13 municipalities represented by the North Front Range Metropolitan Planning Organization (NFRMPO), eight had annual growth rates during the year 2000 between 2.77% and 14.74%. This places most of the regions growth rates well above the state average of 2.71%<sup>1</sup>.

The impact of this population increase and new growth is having a dramatic effect on the transportation system. Once quiet country roads need intersection signals to remain safe while highway interchanges are stressed to capacity with the amount of traffic that occurs each day. Across the region, costs associated with growth-related transportation needs are spiraling. Once an exclusive government fiscal responsibility, the transportation funding needs associated with growth and new development is now a common concern for the private sector. Impact fees are one method of new development addressing the concern and sharing in the costs of growth.

In recent years, the importance of impact fees to cover the costs of public facility improvements has increased due to the diminishing amount of federal and state funds dedicated towards capital projects. In 1981, the federal government supplied 43% of the capital for public-works projects<sup>2</sup>. Eight years later, that figure dropped to 27%. This trend has trickled down to the state level and Colorado is no exception. State General Fund monies for transportation have decreased over the last three fiscal years by approximately 28%<sup>3</sup>.

One of the largest transportation shortfalls to hit the NFRMPO was in the fiscal year 2000. At that time, the NFRMPO was notified by the state of Colorado that the region would have \$75.8 million dollars less in transportation funding over the next 20 years than previously allocated in the Financially Constrained Plan\*. The shortfall represented a 27% drop in planned funding and added to what is now a \$3 billion gap between NFRMPO transportation needs and available funding.

\* The Fiscally Constrained Plan is comprised of those projects in the North Front Range 2020 Transportation Plan, which ranked high enough to likely be funded by the year 2020 based on the projected financial resources available to the region.

Compounding the transportation funding need are environmental considerations, technological progress and the growing integration of land-use planning into the transportation planning process. As new development moves farther away from community cores, the demands on the surrounding environment require additional planning and, in many cases, preservation of fragile lands. Another cost factor is the technology used to plan, create and maintain a transportation project. The growing sophistication of the tools used during the process creates more comprehensive plans that can result in additional cost to the planning process, as well as the project. Additionally, long-range land-use planning, along with community involvement, both increasingly important elements of transportation planning, adds time to the process.

The place of impact fees in the transportation funding picture is an important one and merits attention in the NFRMPO. This report will focus on transportation impact fees that are collected in the North Front Range metropolitan planning area and will provide a comprehensive and up-to-date picture on the assessment and use of transportation impact fees in the North Front Range region.

## **The Metropolitan Planning Organization (MPO)**

A metropolitan planning organization (MPO) is a transportation policy-making organization made up of, at a minimum, representatives from local government. The Federal Surface Transportation Assistance Act of 1973 required the formation of a MPO for any urbanized area with a population greater than 50,000. MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a comprehensive, cooperative, and continuing (3-C) planning process. Federal funding for transportation projects and programs is channeled through this planning process.

In addition, under Subpart C, § 450.312<sup>4</sup> of the 1973 Assistance Act, "The MPO, the state and transit operators shall cooperatively determine their mutual responsibilities in the conduct of the planning process". This ensures that all aspects of transportation including transit, highways, rail, bicycle, pedestrian and air travel are included in the transportation planning process.

### **The Function of an MPO**

The five primary functions of an MPO are to:

- Establish and manage a fair and impartial setting for effective regional decision making in the metropolitan area.
- Evaluate transportation alternatives, at a regional level, with local transportation issues at the forefront, with primary consideration given to realistically available options.
- Develop and update a *long-range transportation plan* for the MPO area covering a planning horizon of at least twenty years. The three primary considerations of the long-range plan are:
  1. Mobility and access for people and goods.
  2. Fostering efficient system performance and preservation.
  3. Enhancing the region's quality of life.

- Develop a Transportation Improvement Program (TIP) based on the long-range transportation plan that is also designed to serve the area's goals with the optimum regulation, operation, management, and financial tools.
- Involve the general public and all the significantly affected sub-groups in the four essential functions listed above.

### The North Front Range MPO (NFRMPO)

The NFRMPO is made up of 13 local governments with two additional representatives from state government. They include Larimer County, Weld County, Fort Collins, Greeley, Loveland, Berthoud, Windsor, Johnstown, Milliken, Evans, Garden City, La Salle and Timnath. The state representatives are the Colorado Transportation Commission and the Colorado Air Quality Control Commission.

In accordance with federal regulations, a MPO is required to carry out metropolitan transportation planning in cooperation with the state and with operators of publicly owned transit services<sup>5</sup>. The MPO approves the transportation plan, which is then incorporated into the State's long range transportation plan. Both the MPO and the Governor must approve the TIP. While the NFRMPO is not the implementing agency for most transportation projects, it does provide an overall coordination role in planning and programming funds for projects and operations.

The NFRMPO has recently been designated a Transportation Management Agency (TMA). This designation occurred when the 2000 Census identified Fort Collins, Loveland and Berthoud and parts of unincorporated Larimer County as one urbanized area of over 200,000 people. The TMA designation requires additional responsibilities for the MPO which include among other duties, development of congestion management strategies and coordination of transit planning among all providers.

There is considerable contrast among communities in the North Front Range with respect to local government operations. While similarities exist in the communities regarding the impacts of new development on transportation

infrastructure, regional variations have a marked effect on implementation of transportation impact fees. Consequently, the smaller governments may be constrained by small administrative staffing abilities along with minimal operating budgets, while the larger governments are often able to budget for studies that form the basis for implementation of regulations.

Fort Collins and Timnath are two examples of entities, which despite close physical proximity have diverse municipal capabilities. The City of Fort Collins has 1,400 employees with approximately 165 employees working in transportation services. Timnath, the smallest local government in the MPO, has 2 employees. Variations aside, the communities represented in the NFRMPO are currently working towards the same goal of addressing the growing gap between transportation funding and transportation infrastructure needs.



## **Transportation Impact Fees and the MPO**

### **Overview**

Impact fees are nothing new. Questions concerning fee calculation methods and application once they are collected have been discussed and debated by elected officials, public administrators, developers and the general public for decades. In 1922, the U.S Department of Commerce implemented the Standard Planning Enabling Act<sup>6</sup>. Amended in 1923, the Enabling Act contained provisions, under the subject of "Measurement of Public Utilities", for the "investigation of the standards of practice and methods of measurements of public utilities, such as gas, electric power, water, telephone, central station heating and electric railway service, and the solutions of the problems which arise in connections with standards in such service". This legislation acknowledged the relationship between standards or levels of service and the need to find avenues for maintenance of those standards.

Texas was the first state to enact legislation that specifically allowed cities to collect impact fees<sup>7</sup>. Since then many states have adopted legislation which authorizes and regulates local government use of fees collected from new development to recover the costs associated with growth. In Colorado, a legislative declaration was issued in 1991<sup>8</sup> setting statewide standards for the collection of land development charges imposed by local governments to finance capital facilities and services. The declaration was meant to ensure reasonable certainty, stability, and fairness in the use of monies generated by the collection of impact fees.

The local governments in the NFRMPO have different regulations for collection of transportation impact fees which have been approved by each government's elected officials. Transportation impact fees in the North Front Range can be found under titles such as Street Fees, Oversizing Fees, Transportation Impact Fees, Capital Expansion Fees, Capital Impact Fees, Road Development Fees or other variations. Specific names and programs aside, all transportation impact fees are collected for the same reason which is to have new development pay its share of the cost of growth-related transportation capital improvements.

When referring to a "transportation capital improvement" the term generally includes transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, engineering, permitting, and construction done to accommodate additional traffic from new development<sup>9</sup>.

Imposition of impact fees, per Colorado legislation<sup>10</sup>, may not apply to the costs of maintenance, rehabilitation or replacement of existing facilities, nor can they be used to fund capital improvements required to remedy existing capacity deficiencies or safety problems. Additionally, all transportation impact fees collected in the North Front Range Area must meet specific criteria established by the state of Colorado for calculation methods used and how they relate to the need created by the new development.

### The Project Prioritization Process (PPP)

The Project Prioritization Process<sup>11</sup> (PPP) was designed to ensure an objective process for ranking transportation projects submitted by the member entities for inclusion in the 20-year regional transportation plan. The first PPP document was developed in 1997 for the 2020 Regional Transportation Plan<sup>12</sup>, and a 2000 version was used for the 2025 RTP. It is a dynamic document and was designed to reflect the evolving transportation planning process within the MPO.

All projects are scored and ranked using criteria which are applicable to all project categories. One of the criteria, *Implementability*, includes three provisions for scoring consideration:

- Projects should have evident public support.
- Projects should be supported by an adequate public facilities regulation (APFR) and transportation impact fees or a similar fee program.
- Projects should work in conjunction with and be compatible with the applicable comprehensive plans in the region.

The 2000 PPP did not see a strict application of the impact fee/APFR provision, as the inclusion of these provisions in the PPP was new. However, projects submitted by communities that did not have impact fees and APFRs in place did receive a reduced score. The PPP is revised every three years, and there has already been discussion of making the impact fee/APFR provision a separate criterion which will be applied strictly, since the MPO's member governments will have had three years to put those elements in place.

## Adequate Public Facilities Regulation

APFRs are land use regulations that allow local governments to condition the approval of new development subject to the public facilities or services necessary to serve the new development being or soon being in place. In other words, APFRs allow local governments to manage the timing and impacts of development to coincide or be concurrent with construction of necessary infrastructure<sup>13</sup>.

The Planning Council recognized that some local governments were not familiar with the APFR concept, and an APFR guidebook was developed that would assist member governments in creating and adopting a regulation. The regional APFR document, and its relation to the Project Prioritization Process, provided the impetus for communities without APFRs to adopt such a regulation. While APFRs are closely tied to impact fees, they are distinct, and can be adopted separately, although they function more effectively in combination with a transportation impact fee policy and program.

## **Impact Fee Considerations**

### **Fee Calculation**

There are two primary methods or models used to calculate impact fees. Both are based on a ratio of vehicle-miles of capacity (VMC) to vehicle-miles traveled (VMT) which is essentially a capacity (supply) to demand calculation. Simply put, the ratio is based on the amount of capacity on an individual segment of road to the amount of vehicles traveling at a given time.

The most common methodology is the “demand-driven” model, which charges new development the cost of replacing the capacity it consumes on the transportation network. This method charges the net cost of construction of an additional service unit of capacity for every service unit of traffic generated by the new development. Often used, it is a simple and legally sound method of impact fee calculation. However, due to actual travel patterns, which are never evenly distributed, the demand-driven method tends to underestimate actual infrastructure demand generated by new development and subsequently, the full costs of growth on the transportation system<sup>14</sup>.

The fee calculation formula typically used for the demand-driven model is as follows<sup>15a</sup>:

$$\begin{aligned} \text{FEE} &= \text{VMT} \times \text{NET COST/VMT} \\ \text{VMT} &= \text{TRIPS} \times \% \text{ NEW} \times \text{LENGTH} \div 2 \\ \text{NET COST/VMT} &= \text{COST/VMT} \cdot \text{CREDIT/VMT} \\ \text{COST/VMT} &= \text{COST/VMC} \times \text{VMC/VMT} \\ \text{CREDIT/VMT} &= \text{DEFICIENCY} + \text{REVENUE} \\ \text{DEFICIENCY} &= \text{EXCESS VMT} \div \text{TOTAL VMT} \times \text{COST/VMT} \end{aligned}$$

#### **Where:**

VMT	=	Vehicle-miles of travel placed on the major roadway system during an average weekday
TRIPS	=	Average daily trip ends
% NEW	=	Percent of trips that are primary trips, as opposed to passby or diverted-link trips
LENGTH	=	Average length of a trip on a major roadway system
÷ 2	=	Avoids double-counting trips for origin and destination
COST/VMC	=	Average cost to create a new vehicle-mile of capacity (VMC) based on planned improvements to the major roadway system
VMC/VMT	=	The system-wide ratio of capacity to demand in the major roadway system, which is the lower of the existing ratio or ratio of new VMC to new VMT provided in the planned improvements to the major roadway system

REVENUE	=	Revenue credit per VMT, based on state/federal and local funding anticipated to be available for capacity-expanding improvements to the major roadway system
EXCESS VMT	=	The sum of existing VMT on individual segments of major roadway system that is in excess of existing capacity
TOTAL VMT	=	Total existing VMT on the major roadway system

Another method of impact fee calculation is the “improvements-driven” model. This methodology divides the cost of growth-related improvements required over a fixed planning horizon by the number of VMT’s projected to be generated by growth over the same time frame in order to determine the cost per VMT. This methodology comes closer to capturing the full costs of new development and the fiscal requirements necessary to maintain adequate levels of service. The primary component or backbone of the improvements-driven methodology is a sophisticated level of planning, as well as a well-constrained capital improvements plan that excludes low priority, marginally needed improvements. This component can make it difficult for smaller communities with constrained planning budgets to implement this methodology.

The fee calculation formula typically used for the improvements-driven model is as follows<sup>16</sup>:

$$\begin{array}{lcl}
 \frac{\text{Total Cost of improvements necessary} & & \text{Cost to Add One Trip} \\
 \text{to serve New Development}}{\text{Total Trip increase from new}} & = & \text{to transportation} \\
 \text{Development}} & & \text{Network} \\
 \hline
 & & \\
 \text{Trip Generation of Building or} & & \\
 \text{Project (from TIS or ITS Manual)} & \times & \\
 & & \\
 \text{Trip Adjustment Factor to Account} & & \\
 \text{for Pass-by and Diverted Link Trips} & \times & \\
 & & \\
 \text{Cost to Add One Trip to} & & \\
 \text{Transportation Network} & = & \text{Impact Fee}
 \end{array}$$

As infrastructure debt across the country continues to escalate and communities fall further behind in keeping up with growth, the assumption or ratio that is used with the improvements-driven model is gaining wider acceptance, yet the planning requirements remain an obstacle. A modification to the demand-driven model has been developed and is gaining acceptance that avoids some of the larger financial requirements of the improvements-driven

model<sup>17</sup>. In this modification of the demand-driven method, the assumption is new development should be required to pay for the cost *to construct more capacity than it consumes* in order to maintain a system-wide ratio of capacity to demand. In other words, the underlying assumption with the standard demand driven model is changed to reflect more than a one-to-one ratio of demand to supply on infrastructure from new development.

Another component of impact fee calculation that is common to all development fee methodologies is the evaluation of credits. There are two distinct types of credits that are considered when implementing development impact fees. The first, a "revenue" credit, helps to avoid potential double payment situations arising from the payment of a one-time development fee and then subsequent payments of other revenues that may also fund growth related capital improvements (e.g. sales taxes).

The second, a "site-specific" credit, is meant to include system improvements in the fee calculations. This credit allows that new development may be eligible for site-specific credits if it provides improvements that have already been included in other impact fees.

### Impact Fee Management

In January of 1991, the state legislature established authority, accounting and reporting requirements for local governments that collect land development charges or impact fees. Statute 29-1-801 states that as a matter of statewide concern "...statewide standards governing accountability for land development charges imposed by local governments to finance capital facilities and services are necessary and desirable to ensure reasonable certainty, stability and fairness in the use to which moneys generated by such charges are put and to promote public confidence in local government finance<sup>18</sup>."

Additionally, the legislature established that impact fees must be deposited into an interest bearing account. Statute 29-1-803 mandates that "...all moneys for land development charges collected, shall be deposited in an interest bearing account which clearly identifies the category, account or fund of capital expenditure for which the charge was imposed<sup>19</sup>." Each account must be set up separately. However, each local government determines whether the fund is by aggregate or individual land development.

### Front-Ending Agreements

A front-ending agreement is used when new development proposes to construct or improve any transportation facility that exceeds the new developments impact. Often it is necessary, in order to ensure safe and efficient access and travel, for a new development to construct or improve facilities to a level and at a cost that extends beyond what that new development would be reasonably expected to pay for capital improvements, given the trip generation of the new development. A front-ending agreement allows the new development to be reimbursed, through fees collected by subsequent developments, for all construction costs that exceed any fees due at the time of the original development.

There are numerous situations that might necessitate a front-ending agreement between a local government and a developer. An example would be a new development that would access an existing but deficient road. The number of vehicle trips per day that the new development would generate might impact the existing road to a small degree however that degree would be enough to push the limitations of the deficient road so that it would no longer meet the criteria for an adequate public facility. A front-ending agreement would allow for road improvements that benefit all users of the existing deficient road with the new development incurring, through eventual reimbursement, only the impact fees attributable to its own trip generation numbers.

## **Regulation Components**

While each local government crafts its own regulation and/or ordinance to reflect the particular needs of its community, there are several components, which are central to all impact fee regulations.

The four components or primary pieces that are used for analysis and comparison in this report are:

1. Local government objective of the regulation and the basis for impact fee calculation and schedule of fees. Local governments often have similar definitions for their respective programs. The reason for the similarity is two-fold. First is the inherent nature of the impact fee program, which is to have new development pay its share of the cost of growth-related transportation needs. Second is state law, which governs the application of impact fee programs, thus, mandating consistent standards between local governments for the basis, methodology and implementation of impact fee programs.
2. Level Of Service or standards that are meant to be maintained with the regulation. Each government defines their acceptable LOS, which is based on a graded system from "A" (best) to "F" (worst). The local governments in the NFRMPO have set LOS standards at grades "C" and "D". A few governments have not mandated a specific grade and make the determination of what is adequate based on maintenance of existing or current conditions. Maintaining a higher LOS is meant to provide for less congestion on the transportation network; however, it generally costs more to maintain the higher standard even when all infrastructure conditions (i.e. construction, maintenance, travel patterns, etc.) are similar.
3. The conditions or stipulations for new development in paying the impact fees. The unifying local government condition for the payment of impact fees is that the new development results in additional vehicle trips on the roadway system. Conditions also may include terms of the government's review process and adjustment of fees, when the fee is due, the area affected by the impact fee program and the process for a new developer/applicant to conduct an independent impact fee analysis if so desired.



4. Exemptions that provide criteria for the new development to have fees waived either partially or in full. Other than the exemption of fees for any new development that does not generate new or additional vehicle trips, there is no standard exemption. Similar exemptions are found in the region for granting waivers from transportation impact fees but the basis or objective of the exemption along with the criteria for the exemption to be granted is specific to the government that grants them. Currently, the fourteen local governments within the NFRMPO have a combined total of fourteen different exemptions in transportation impact or capital expansion fees.

Additionally, for further analysis, and comparison, a Land Use Type Chart is provided for each governments transportation or capital expansion fee schedule. The chart is a representative sample of land use types that are typically included in impact fee schedules. A schedule of fees is standard to all government fee regulations and is meant to ensure fair and consistent application of the impact fee program. Also, included for those governments in the NFRMPO which have a transportation or capital improvement plan, is a graph that displays projected new road needs and projected fee revenues. These figures are derived from the local government's transportation plan and forecasts short-range (6-10 year) and/or long-range (20-50 year) transportation needs.

Combined, the regulation components offer an overview of each government's impact fee program and schedule of fees and helps to provide a "snapshot" of the status of transportation impact fee regulations and ordinances in the North Front Range Metropolitan Planning Organization.

# **Individual MPO Member Regulations**

## Berthoud

Population: 4,839\*

### Transportation Impact Fee Regulation

Berthoud prepared a comprehensive Road Impact Fee Regulation in December of 2001. The Board of Trustees adopted the Regulation in March of 2002. The intent of the regulation is to have new development bear a proportionate share of the cost of road improvements through road impact fees.

The regulation was based on the *Town of Berthoud Impact Fee Study*<sup>20</sup>, which estimated that a significant amount of new growth and development will occur in Berthoud in the next twenty years. The study found that revenue generated by new growth and development will not be adequate to fund the needed road improvements to the town's road infrastructure. The road impact fee was identified as one of the preferred methods for regulating land development and would ensure new growth and development bears a proportional share of the costs necessary to accommodate that new development and provide for the public health, safety and welfare of the Town of Berthoud. Currently, Berthoud has no APFR.

### Level Of Service

Road improvements identified in the Berthoud impact fee will be based on maintaining a LOS "C".

### Conditions

- Any traffic generating development, except those that qualify for exemptions and those that prepare an independent fee calculation study, shall pay a road impact fee as determined by the Berthoud fee schedule.
- The Town Board may adjust fees annually to reflect the effects of inflation on the costs for road improvements.
- A traffic generating development may apply for credit against road impact fees for any contributions, construction, or dedication of land for right-of-way (ROW) identified in the Town's road system. The total amount of credit, if approved by the Town Board, shall not exceed the amount of road impact fees due for the proposed development.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

\*All Population figures in this report are from the 2000 U.S. Census.

- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.
- Road impact fees collected shall be spent on the Town's road system

### Exemptions

Development that is exempted from terms of the road impact fee regulation:

- No additional dwelling units, use not changed and/or no additional vehicular trips.
- When remodeling construction does not exceed 1,000 square feet
- Accessory buildings and structures not producing vehicular trips.
- Replacement of partially destroyed buildings or structures that produce no additional vehicular trips.
- Retail and restaurants when it can be shown that revenue generated from sales tax revenues will be comparable to the competitive retail and restaurants that are already operating within the Town.
- Affordable Housing and economic development may be waived by the Town Board to some or all of the extent due by the new development and replaced with other Town funds that are not restricted to other uses.
- Development that is in the SH 56/I-25 Interchange Area.
- Government - projects built by federal or state government.

### **Berthoud Road Impact Fee** - Includes

representative sample of land use types

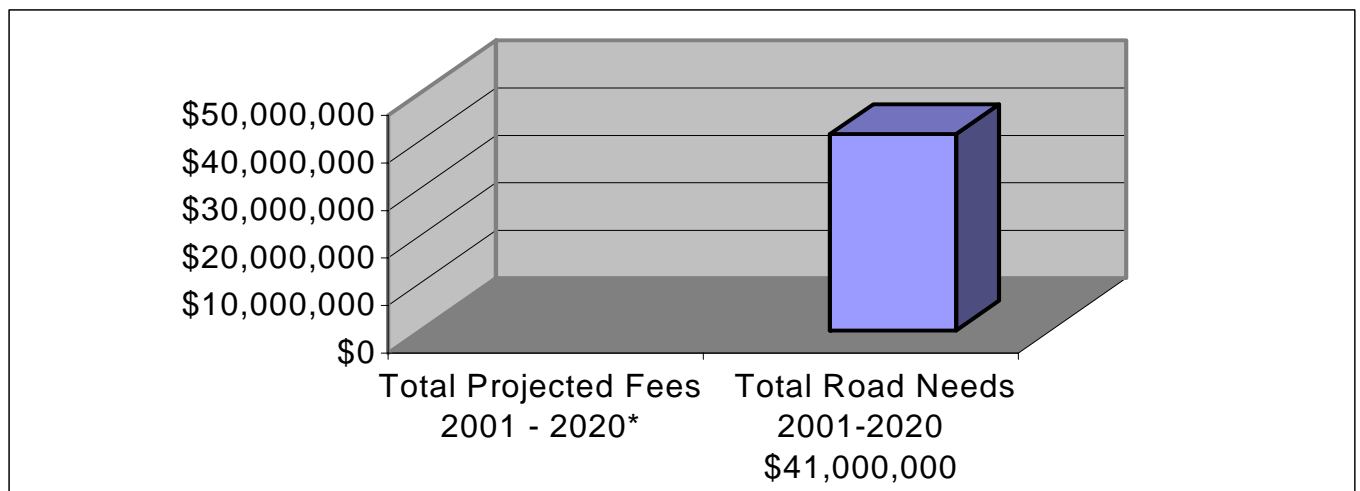
Net Fee by Land Use Type

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee/Unit</b>
Single-Family Detached	Dwelling	\$1,683.70
Mobile Home Park	Site	\$843.96
Hotel/Motel	Room	\$1,448.80
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$5,127.06
Auto Service/Repair/Tire Store	1000 sq. ft.	\$2,229.46
Bank	1000 sq. ft.	\$6,294.54
Convenience Store	1000 sq. ft.	\$9,730.86
Restaurant, Fast Food	1000 sq. ft.	\$8,711.33
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$2,844.15
Office, Medical	1000 sq. ft.	\$6,353.61
Church/Synagogue	1000 sq. ft.	\$1,603.52
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$872.09

### Projections

As the Road Impact fee program is new for Berthoud, forecasting for long-range revenue projections is currently in progress. The year 2002 has been forecast to generate approximately \$33,500 in impact fee revenues.

### **Berthoud Projected Road Needs & Impact Fee Revenue Projection**



\* Long-range projected impact fee revenue figures were not available at printing.

## **Evans**

Population: 9,514

### Transportation Impact Fee Regulation

Evans adopted an Adequate Public Facilities Ordinance in February of 2001. After considering a recommendation from both the Evans Planning Commission and city staff, Evans city council agreed that it would be in the best interest of the City of Evans to adopt APFR criteria.

In 2002, Evans adopted Ordinance 121-01 for the imposition of street impact fees on new development. The Council determined that "adoption of a street impact fee is one of the preferred methods of regulating land development in the City in order to ensure new growth bears a proportionate share of the costs of the street improvements necessary to accommodate new development". The ordinance also states "some of the street improvements on the City's street system have been identified, a full evaluation of demand and needs over the next twenty years and refinement of a complete street improvement program and revised Transportation Plan will not be completed until the Comprehensive Plan is completed by the City". While the City has approved the Comprehensive Plan, finalization and approval of the Transportation plan is not anticipated until the 2<sup>nd</sup> quarter of 2003.

### Level Of Service

New development shall not cause the levels of service on all arterial and collector roads and at all intersections to fall below LOS "D". However, if the level of service prior to development of a site is below LOS "D", then new development shall demonstrate that the LOS will not fall below the current level.

### Conditions

- Any person who causes the commencement of traffic generating development.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

## Exemptions

- No additional dwelling units, changes in use and/or no additional vehicular trips.
- Accessory buildings and structures that do not produce additional vehicular trips.
- Replacement of a partially destroyed building or structure with a similar building that produces no additional vehicular trips.
- Projects built by the state or federal government.

### **Evans Impact Fee** - Includes representative sample of land use types

Net Fee by Land Use Type

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee/Unit</b>
Single-Family Detached	Dwelling	\$1,078
Mobile Home Park	Site	\$540
Hotel/Motel	Room	\$928
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$3,282
Auto Service/Repair/Tire Store	1000 sq. ft.	\$1,427
Bank	1000 sq. ft.	\$4,030
Convenience Store	1000 sq. ft.	\$6,230
Restaurant, Fast Food	1000 sq. ft.	\$5,584
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$1,821
Office, Medical	1000 sq. ft.	\$4,068
Church/Synagogue	1000 sq. ft.	\$1,027
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$558

## Projections

Currently, the City of Evans does not have complete projections for anticipated road needs due to new development or road impact fee revenue projections.

## Fort Collins

Population: 118,852

### Capital Expansion Fee Regulation

The Street Oversizing Impact fee was enacted in 1979, with revisions in 1988, 1996, 2000 and 2001. The Oversizing fee helps to fund the construction of new transportation infrastructure in the city and the allocation of the fee among new development and reflects the relative impacts that new development is anticipated to have upon the City's transportation network.

Section 7.5-16 of the Fort Collins Municipal Code lists the intent of the expansion fee program is "to regulate the use and development of land by ensuring that new growth and development in the city bear a proportionate share of the costs of capital expenditures necessary to provide capital improvements".

The fees are based on the city's *Capital Improvement Expansion Cost Study*, July 1997, the city's *Street Oversizing Impact Fee Study*, July 1997 & *Update* <sup>21</sup>, November 2000 and *The ITE (Institute of Transportation Engineers) Trip Generation Manual*, 6<sup>th</sup> Edition, 1997.

The city is currently in the process of revisiting their impact fee schedule and anticipates a decision regarding any changes or increases in fees to be in place by the summer of 2003.

### Level Of Service

The City's Master Street Plan identifies a roadway LOS no lower than level D within the City's major activity centers.

### Conditions

- The Oversizing fee is applied to any new development and is intended to ensure that new growth and development in the city bear a proportionate share of the costs of capital expenditures necessary to provide transportation capital improvements.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.



## Exemptions

- Exceptional Hardship – granted by reason of extraordinary and exceptional conditions of the property, which is subject to the fee that would result in exceptional hardship to the property owner. Hardship may not be founded on ability or inability to pay the fee.
- Contribution to Economic Development – Determination of eligibility includes criteria that the firm be either a base industry<sup>22</sup> or a base industry supplier<sup>23</sup> and that they meet minimum requirements including:
  - a. Total compensation for all full-time employees must start at not less than minimum wage x 1.5.
  - b. Total compensation for no more than 25% of the full-time employees can be less than minimum wage x 1.87.
  - c. Total compensation for at least 20% of the full-time employees must be more than the minimum wage x 2.24.

Additionally, the city has different criteria for qualifying firms based on whether it is a new or an existing firm, giving additional waiver amounts to qualifying firms based on the number of years in Fort Collins.

- Any development of the Fort Collins Housing Authority.
- Any approved exemption amount shall not exceed \$50,000.

## **Fort Collins Transportation**

### **Impact Fee** - Includes representative sample of

land use types

Net Fee by Land Use Type

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee/Unit</b>
Single-Family Detached	Dwelling	\$1,721
Mobile Home Park	Dwelling	\$886
Hotel/Motel	Per Room	\$1,567
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$4,060
Auto Service/Repair/Tire Store	1000 sq. ft.	\$2,300
Bank	1000 sq. ft.	\$7,790
Convenience Store	1000 sq. ft.	\$32,530
Restaurant, Fast Food	1000 sq. ft.	\$21,870
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$2,030
Office, Medical	1000 sq. ft.	\$5,540
Church/Synagogue	1000 sq. ft.	\$1,610
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$870

Fort Collins also has two additional transportation impact fees:

1. The Pavement Impact Fee is a fee intended to recover the costs expended by the city for the reduced life expectancy of city owned and maintained infrastructure caused by actions of applicants who request permits to complete work. An example would be a private utility company that requests a permit to cut into the pavement of a street in order to install utility lines underneath the pavement.

The fees are intended to regulate the actions and limit the damage caused by a permittee by keeping the damage-causing activity to a minimum.

The pavement impact fee is based on square feet of excavation:

Square Feet of Excavation	Cost Per Square Foot
1 to 100	\$3.50
101 to 500	\$2.50
501 to 3,000	\$2.00
Over 3,000	\$1.50

Conditions of the Pavement Impact Fee:

- Applies to open cuts of pavement surfaces for excavation only.
- The fee will be tripled for streets that have been constructed, reconstructed, overlaid or seal-coated within the last 5 years of the date of application for the permit.

Reductions or waivers may apply if the permittee is reconstructing or overlaying the existing pavement.

2. The Regional Transportation Capital Improvement Expansion Fee is used for the provision of new transportation capital improvements to the regional road system necessitated by new development within Larimer County. The regional fee was established by a joint effort between Fort Collins and Larimer County and is based upon data and conclusions in the Larimer County *Transportation Capital Expansion Fee* and *Park In-Lieu Fee Study*.

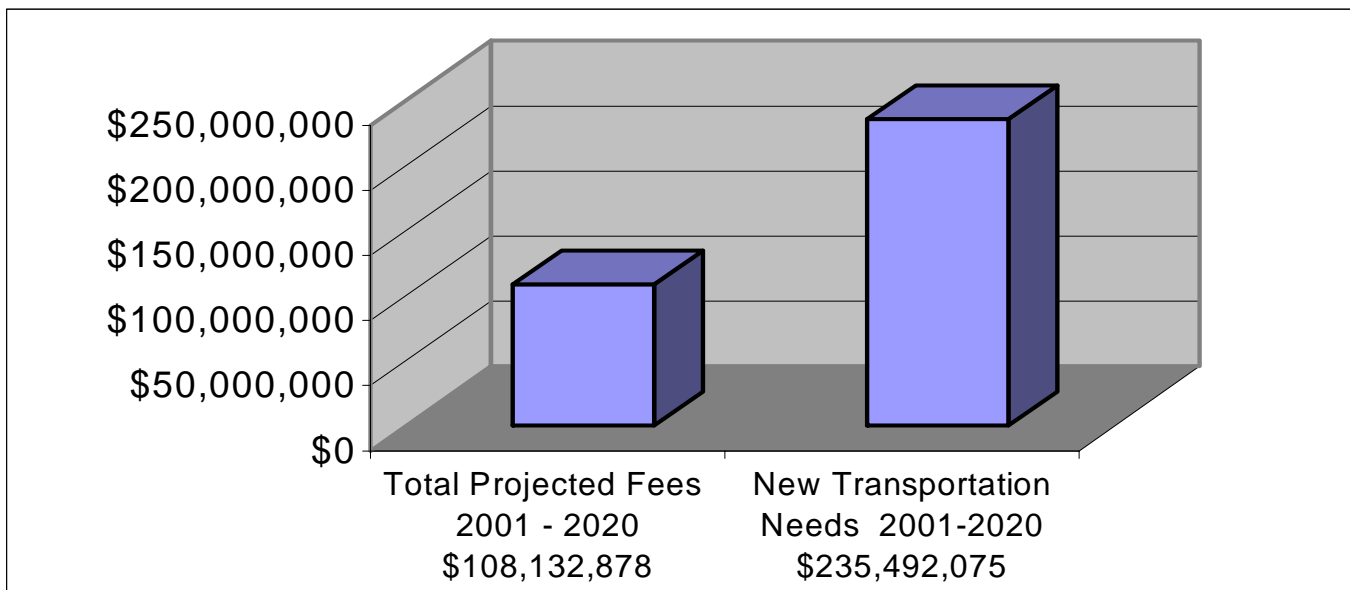
Conditions of the Regional Transportation Capital Improvement Expansion Fee:

- Fee applies to all of the area within Larimer County and is designated as the Regional Transportation Capital Improvement Expansion Fee Benefit District.
- The fee is spent within the benefit district within which the new development is located.

- Expenditure of capital expansion fees collected in the city are limited to the projects included in the *Regional Road Capital Improvements Plan* and must be approved by City Council.
- If an agreement between Larimer County and the City of Fort Collins on the expenditure of the fees has not been reached after three consecutive years from the date of the fees being forwarded to the county's fee administrator, the fees will be refunded to the feepayer.

### Projections

## **Fort Collins Projected Transportation Needs To Serve New Development & Impact Fee Revenue Projection**



# Garden City

Population: 357

## Transportation Impact Fee Regulation

The town of Garden City does not have an adequate public facilities or transportation impact fee regulation.

### **Garden City Impact Fee** - Includes

representative sample of land use types

Net Fee by Land Use Type

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee/Unit</b>
Single-Family Detached	Dwelling	Ø
Mobile Home Park	Site	Ø
Hotel/Motel	Room	Ø
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	Ø
Auto Service/Repair/Tire Store	1000 sq. ft.	Ø
Bank	1000 sq. ft	Ø
Convenience Store	1000 sq. ft	Ø
Restaurant, Fast Food	1000 sq. ft	Ø
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft	Ø
Office, Medical	1000 sq. ft	Ø
Church/Synagogue	1000 sq. ft	Ø
<b>Industrial</b>		
Warehouse	1000 sq. ft.	Ø

## Greeley

Population: 76,930

### Transportation Impact Fee Regulation

Greeley first adopted a road development fee schedule in October 1998. Chapter 4.60 of the Greeley City Code contains the outline for Development Fees for New Roads and Improvements. The basis for the City of Greeley's transportation impact fees is the *Road Development Fee Study*<sup>24</sup>, prepared by James Duncan and Associates in December 1996.

Chapter 4.60 titled Development Fees for New Roads and Improvements in the Greeley City Code section 4060.300, defines the intent of the fee program is "to ensure that new development bears a proportionate share of the cost of road improvements...and to ensure that funds collected from new developments are used to construct road improvements that benefit new developments". Additionally, the development fees are meant to ensure that the City will have a road system consistent with the *1996 Greeley Subdivision Regulations*, and the *Greeley Comprehensive Transportation Plan*<sup>25</sup>.

Currently, the city is reviewing the fee structure and any amendments that might be needed.

### Level of Service

The City of Greeley is currently studying an Adequate Public Facilities Plan, which will determine the level of service or standard for new development.

### Conditions

- All persons who apply for development permits are required to pay the road development fee prior to issuance of an occupancy certificate.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

## Exemptions

- Reconstruction, expansion or replacement that remains the same residential size category as the current residential unit.
- Reconstruction, expansion or replacement of a non-residential building provided that no more than 1000-sq. ft. of usable non-residential space is created.
- Construction of unoccupied, detached building that will not produce additional vehicle trips.
- Replacement of destroyed or partially destroyed building or structure with new structure of same size that will not produce additional trips.
- Installation or replacement of a mobile home.
- Any other type of development where the applicant can demonstrate that no new vehicle trips will be generated or if a road improvement fee has been previously paid.

### **Greeley Impact Fee** - Includes representative

sample of land use types

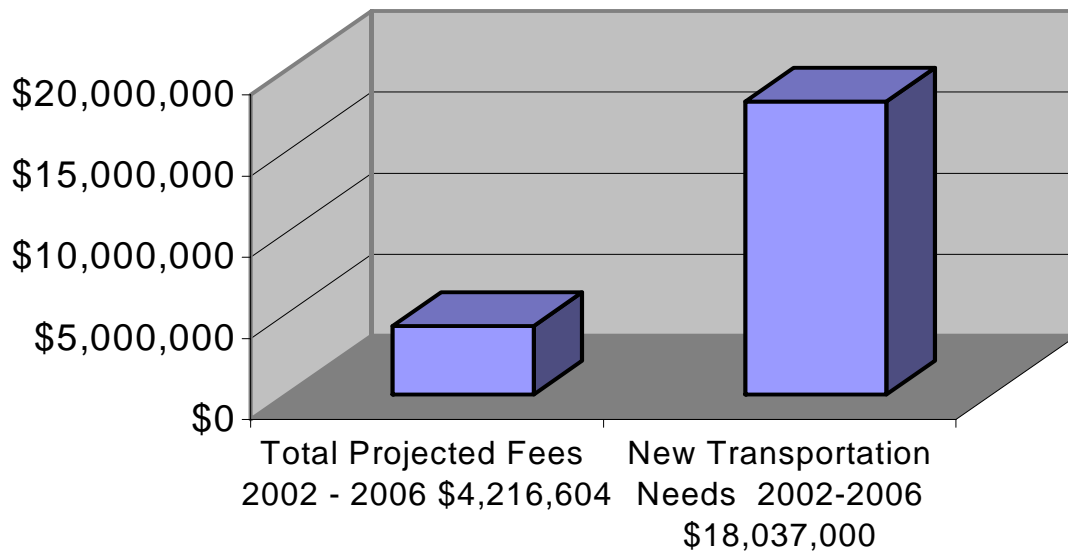
Net Fee by Land Use Type

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee/Unit</b>
Single-Family Detached	Dwelling	\$880
Mobile Home Park	Site	\$381
Hotel/Motel	1000 sq.ft.	\$1,150*
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$1,150*
Auto Service/Repair/Tire Store	1000 sq. ft.	\$1,150*
Bank	1000 sq. ft.	\$1,150*
Convenience Store	1000 sq. ft.	\$1,150*
Restaurant, Fast Food	1000 sq. ft.	\$1,150*
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$1,150*
Office, Medical	1000 sq. ft.	\$1,150*
Church/Synagogue	1000 sq. ft.	\$1,150*
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$1,150*

- \* Greeley has a maximum impact fee of charge of \$1.15 per square foot for all non-residential land use types which is subject to review in July 2003.

Projections

**Greeley Transportation Needs  
To Serve New Development  
&  
Impact Fee Revenues  
(2002-2006)**



## **Johnstown**

Population: 3,827

### Transportation Impact Fee Regulation

Ordinance 2000-616 was approved in March of 2000 and established a schedule of impact fees for Johnstown. The impact fees are based on a study titled Impact Fees and was prepared by Tischler & Associates<sup>26</sup> and are intended to provide for “planned and orderly development, provide for phased development of services and facilities and regulate the use of land on the basis of the impact of development on the community”. Johnstown does not have an APFR.

### Level of Service (LOS)

Johnstown does not specifically indicate a LOS “grade” that must be maintained. In the place of a specific grade the Town has established (per Ordinance #2000-621) that “the amount of the transportation facilities development fee is “roughly proportional” to the pro rata share of the additional transportation facilities needed to provide adequate transportation facilities to new residential and non-residential development, while maintaining the existing LOS standard currently provided to existing Town residents, employees and businesses”.

### Conditions

- Affects all land development within the Town Impact Fee District Area.
- At least once every year, no later than October starting in the year 2001, a Annual Report will be prepared by the Town Administrator prior to the Boards annual adoption of the Annual Budget and Capital Improvements Program.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

### Exemptions

- No net increase in dwelling units or in non-residential square footage unless the new non-residential increases the demand for capital improvements.
- Any development, project, structure, building, fence, sign or other activity which does not result in an increase in the demand for capital improvements.
- New land developments which are the subject of a Development Agreement containing provisions in conflict with the impact fee regulation.

If the Board grants an exemption, the amount of the exempted fees will be provided by the Town from non-impact fee funds. The funds will be deposited to the appropriate impact fee account within a reasonable amount of time consistent with the applicable Town capital improvements program.



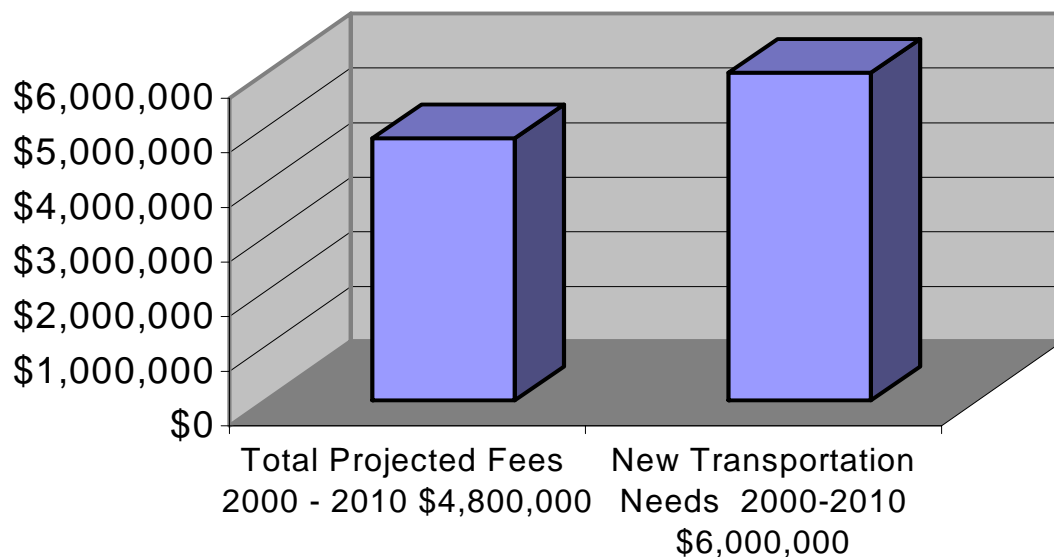
**Johnstown Impact Fee** - Includes  
representative sample of land use types  
Net Fee by Land Use Type

Land Use Type	Unit	Fee/Unit
Single-Family Detached	Dwelling	\$1,220
Mobile Home Park	Site	\$741
Hotel/Motel	Room	*
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$3,282
Auto Service/Repair/Tire Store	1000 sq. ft.	\$5,295
Bank	1000 sq. ft.	\$5,295
Convenience Store	1000 sq. ft.	\$5,295
Restaurant, Fast Food	1000 sq. ft.	\$5,295
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$3,310
Office, Medical	1000 sq. ft.	\$3,310
Church/Synagogue	1000 sq. ft.	*
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$729

\* Special study required for fee determination.

Projections

**Johnstown Transportation Needs  
To Serve New Development  
&  
Impact Fee Revenues  
(2000-2010)**



## **Larimer County**

Population: 251,494 (Unincorporated: 68,819)

### Capital Expansion Fee Regulation

Larimer County has an APFR along with Capital Expansion Fees based on the Larimer County Transportation Plan, which was developed in September of 1998. The APF requirements are in section 8.1.5 of the Larimer County Land Use Code<sup>27</sup> and state the purpose as being "to ensure that all development will have safe and adequate access to public roads and transportation related services; and to ensure that development does not create demand for public improvements and services that cannot be met with existing public resources".

The Capital Expansion Fees are based on the *Larimer County Transportation Capital Expansion Fee and Park In-Lieu Study*<sup>28</sup> and are detailed in section 9.5.1 of the Larimer County Land Use Code.

### Level of Service

The County Commissioners have established that the County's major Road System will operate at LOS "D" in urban areas and LOS "C" in rural areas.

### Conditions

- Any person or governmental body (unless exempted by Intergovernmental Agreement) who causes the commencement of traffic generating development.
- The Fee Administrator will review the Major Road CIP at least every two years to determine if modifications to either the Major Road CIP or the regulation are needed.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

### Exemptions

- Alterations or expansions of an existing building where no additional dwelling units are created, no changes in use occur and no additional vehicular trips will be produced.

- Accessory buildings and structures that do not produce additional vehicular trips over and above that produced by the building or use of the land.
- Replacement of a destroyed or partially destroyed building or structure provided that no additional trips will be produced over and above that produced by the original use of the land.

### **Larimer County Capital Expansion**

**Fee** - Includes representative sample of land use types

Net Fee by Land Use Type

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee/Unit</b>
Single-Family Detached	Dwelling	\$1,749
Mobile Home Park	Site	\$875
Hotel/Motel	Room	\$1,628
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$5,366
Auto Service/Repair/Tire Store	1000 sq. ft.	\$2,315
Bank	1000 sq. ft.	\$12,101
Convenience Store	1000 sq. ft.	\$33,674
Restaurant, Fast Food	1000 sq. ft.	\$26,260
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$2,953
Office, Medical	1000 sq. ft.	\$6,596
Church/Synagogue	1000 sq. ft.	\$1,664
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$905

Larimer County also has developed a Regional Transportation Capital Expansion Fee.

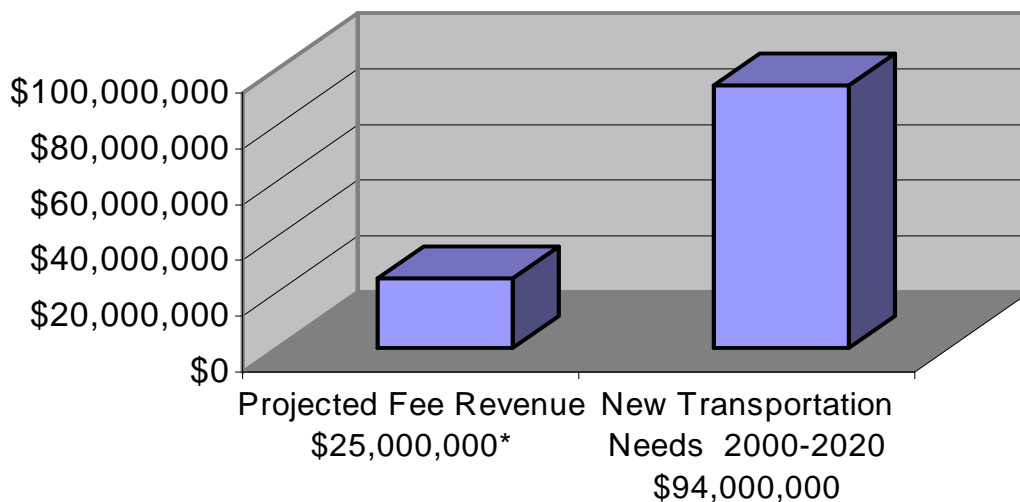
The Regional Transportation Capital Expansion Fee is outlined in section 9.6 of the Larimer County Land Use Code. "In order to implement a region-wide Regional Transportation Capital Expansion Fee Program, Larimer County intends to enter into Intergovernmental Agreements with the other local governments in the region that results in those municipalities' participation and cooperation by adoption of a regional transportation capital expansion fee to accommodate new development within their jurisdictions to maintain the existing Regional Road System level of service."<sup>29</sup>

The fee is used for the provision of new transportation capital improvements to the regional road system necessitated by new development within Larimer County. The fee was established by a joint effort between Larimer County and Fort Collins and is based upon data and conclusions in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*.

Conditions and exemptions for the regional fee are the same as those for the capital expansion fee.

### Projections

#### **Projected Larimer County Road Needs To Serve New Development & Impact Fee Revenue Projection**



\* Based on the current yearly revenue figure of \$1,000,000 at a 2.25% projected growth rate. Exact calculation = \$24,911,520.

## La Salle

Population: 1,849

### Transportation Impact Fee Regulation

The town of La Salle does not have an adequate public facilities ordinance or a transportation impact fee regulation.

#### **La Salle Impact Fee** - Includes representative sample of land use types

Net Fee by Land Use Type

Land Use Type	Unit	Fee/Unit
Single-Family Detached	Dwelling	Ø
Mobile Home Park	Site	Ø
Hotel/Motel	Room	Ø
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	Ø
Auto Service/Repair/Tire Store	1000 sq. ft.	Ø
Bank	1000 sq. ft.	Ø
Convenience Store	1000 sq. ft.	Ø
Restaurant, Fast Food	1000 sq. ft.	Ø
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	Ø
Office, Medical	1000 sq. ft.	Ø
Church/Synagogue	1000 sq. ft.	Ø
<b>Industrial</b>		
Warehouse	1000 sq. ft.	Ø

## **Loveland**

Population: 50,608

### Capital Expansion Fee Regulation

The Loveland Municipal Code<sup>30</sup> states that the intent of the Capital Expansion Fee system is to provide “a rational system for identifying growth related costs incurred by the city in providing for new and expanded capital facilities made necessary by expanded population and economic activity and to develop a fee structure directly related to such costs along with provide a method for collection of such fees”.

Additionally, “the policy’s and fees will be subject to revision as conditions change and that the system will be linked to a capital improvement program designed to provide the facilities for which the fees are imposed”. The latest revision of the expansion fee schedule was in April of 2002.

Loveland also has an Adequate Community Facilities (ACF) Regulation, which is equivalent to an APFR. The program is meant to ensure that community facilities needed to support new development meet or exceed the adopted level of service standards; that no new development will cause a reduction in LOS for any community facilities and to ensure that ACF’s needed to support new development are available concurrent with the impacts of new development.

### Level of Service

As described in Section II - Existing Conditions, of the Loveland 2020 Transportation Plan<sup>31</sup>, Loveland established a LOS “C” for arterial streets in 1996.

### Conditions

- Will be imposed on every additional dwelling unit of residential development and every square foot of retail, non-retail and industrial development.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

## Exemptions

- Community facilities; not-for-profit facilities. Such facilities may be exempted from expansion fees if such facilities relieve the pressures of growth on city-provided facilities and do not create growth or growth impacts. Included are all development projects of the Loveland Housing Authority.
- Qualified affordable housing may be exempted or reduced.
- Partial exemption for commercial retail businesses within the city limits that collect city sales tax.
- For the purpose of encouraging industrial economic development and recognizing the net economic benefits, which accrue to the city, all expansion fees for development that qualifies as industrial will be waived<sup>32</sup>.
- Minimal traffic – the capital expansion fee for commercial and industrial uses may be reduced if the actual site traffic will be less than half of the standard capital expansion fee traffic.
- At the discretion of the City Council, expansion fees may be waived for significant social, economic or cultural benefits.
- Any construction in the Historic Downtown Loveland Area.

Whenever a fee is waived, the city council shall direct that the waived fee be paid by the general fund or another appropriate fund<sup>33</sup>.

### **Loveland Impact Fee** - Includes

representative sample of land use types

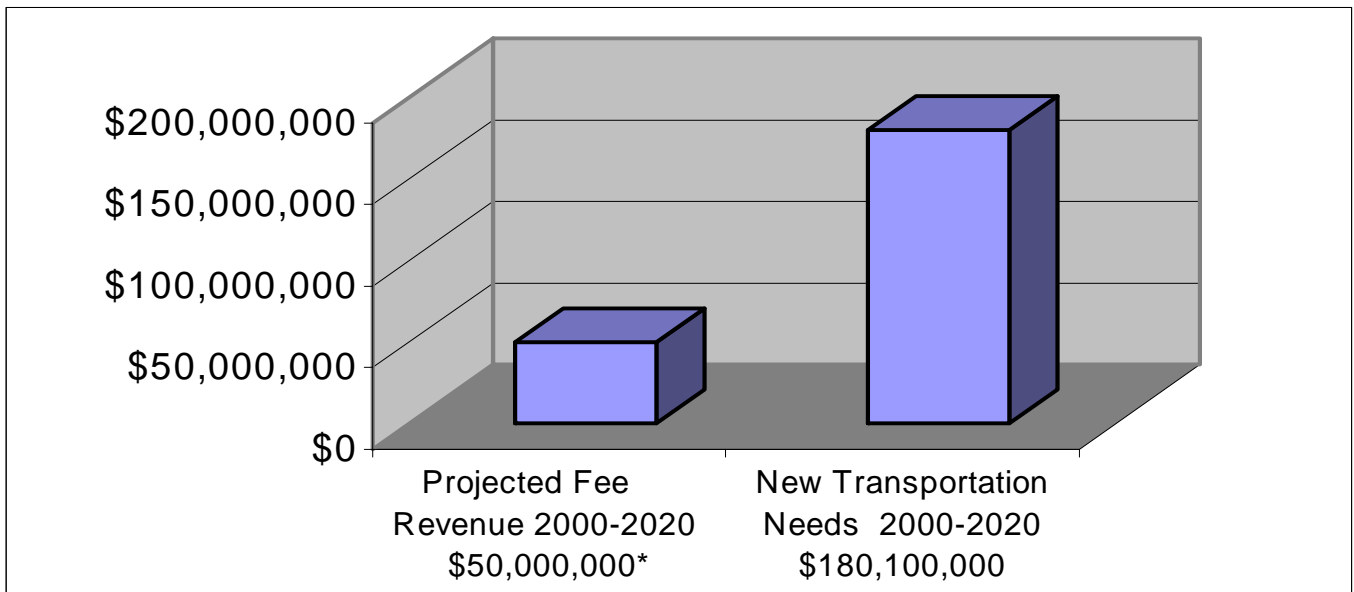
Net Fee by Land Use Type

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee/Unit</b>
Single-Family Detached	Dwelling	\$2,962
Mobile Home Park	Site	\$1,572
Hotel/Motel	Room	\$2,138
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	*
Auto Service/Repair/Tire Store	1000 sq. ft.	\$7,670
Bank	1000 sq. ft.	\$10,580
Convenience Store	1000 sq. ft.	\$27,950
Restaurant, Fast Food	1000 sq. ft.	\$34,740
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$4,170
Office, Medical	1000 sq. ft.	\$8,190
Place of Worship	1000 sq. ft.	\$2,340
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$1,460

\* Figure calculated for individual development applications

Projections

**Loveland's Projected Road Needs  
To Serve New Development  
&  
Impact Fee Revenue Projection**



\* Based on the current yearly revenue figure of \$2,000,000 at a 2.25% projected growth rate. Exact calculation = \$49,823,040.



## Milliken

Population: 2,888

### Transportation Impact Fee Regulation

Milliken does not have an adequate public facility regulation or a transportation impact fee ordinance. An emergency ordinance was passed in September 2001; requiring set fees to be paid at the time of a building permit request for a single-family structure.

Currently, the Town is looking into an expanded impact fee schedule, which would include fees for commercial land use in addition to, residential.

#### **Milliken Impact Fee** - Includes representative sample of land use types

Net Fee by Land Use Type

Land Use Type	Unit	Fee/Unit
Single-Family Detached	Dwelling	\$1,000
Mobile Home Park	Site	Ø
Hotel/Motel	Room	Ø
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	Ø
Auto Service/Repair/Tire Store	1000 sq. ft.	Ø
Bank	1000 sq. ft	Ø
Convenience Store	1000 sq. ft	Ø
Restaurant, Fast Food	1000 sq. ft	Ø
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft	Ø
Office, Medical	1000 sq. ft	Ø
Church/Synagogue	1000 sq. ft	Ø
<b>Industrial</b>		
Warehouse	1000 sq. ft.	Ø

# Timnath

Population: 223

## Transportation Impact Fee Regulation

The town of Timnath recently approved the expenditure of funds for a Traffic Impact Fee Study to be conducted by BBC Research and Consulting of Denver, CO. The study should be completed by the fall of 2002. Timnath currently does not have an adequate public facilities ordinance or transportation impact fee regulation.

### **Timnath Impact Fee** - Includes representative sample of land use types

Net Fee by Land Use Type

Land Use Type	Unit	Fee/Unit
Single-Family Detached	Dwelling	Ø
Mobile Home Park	Site	Ø
Hotel/Motel	Room	Ø
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	Ø
Auto Service/Repair/Tire Store	1000 sq. ft.	Ø
Bank	1000 sq. ft	Ø
Convenience Store	1000 sq. ft	Ø
Restaurant, Fast Food	1000 sq. ft	Ø
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft	Ø
Office, Medical	1000 sq. ft	Ø
Church/Synagogue	1000 sq. ft	Ø
<b>Industrial</b>		
Warehouse	1000 sq. ft.	Ø

## **Weld County**

Population: 180,936 (41,832 in unincorporated areas)

### Transportation Impact Fee Regulation

Weld County currently has transportation impact fee regulations for the Windsor service area which is within the North Front Range MPO area and the southwest portion of the county which is not within the NFRMPO boundary. The current Impact Fee Ordinance is based on the *Road Impact Fee Study* prepared by Duncan Associates in May 1999<sup>34</sup>. Effective in December of 1999, Ordinance 210 was adopted to assure that new development contributes its proportionate share of the costs in road capital improvements as identified in the Road Capital Improvement Plan of the Windsor Service Area.

In July 2002, the Weld County Commissioners approved a contract with a planning firm to study a proposed countywide road impact fee. The study follows a road plan completed in the spring of 2002 that outlined plans for north-south arterials that would combine with existing east-west highways to form a comprehensive network of roadways in Weld. The road impact fee study is scheduled to be completed in September of 2002.

### Level of Service

Weld County and the Windsor service area municipalities determined that the Windsor Service Area Road System will operate at LOS of "C" or better.

### Conditions

- Any person or government body who causes the commencement of traffic generating development within the Windsor Service Area.
- A Road Impact Fee Committee consisting of the public works directors, county/municipal engineers and the planning directors of Weld County and Windsor will be responsible for the administration of the program.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

### Exemptions

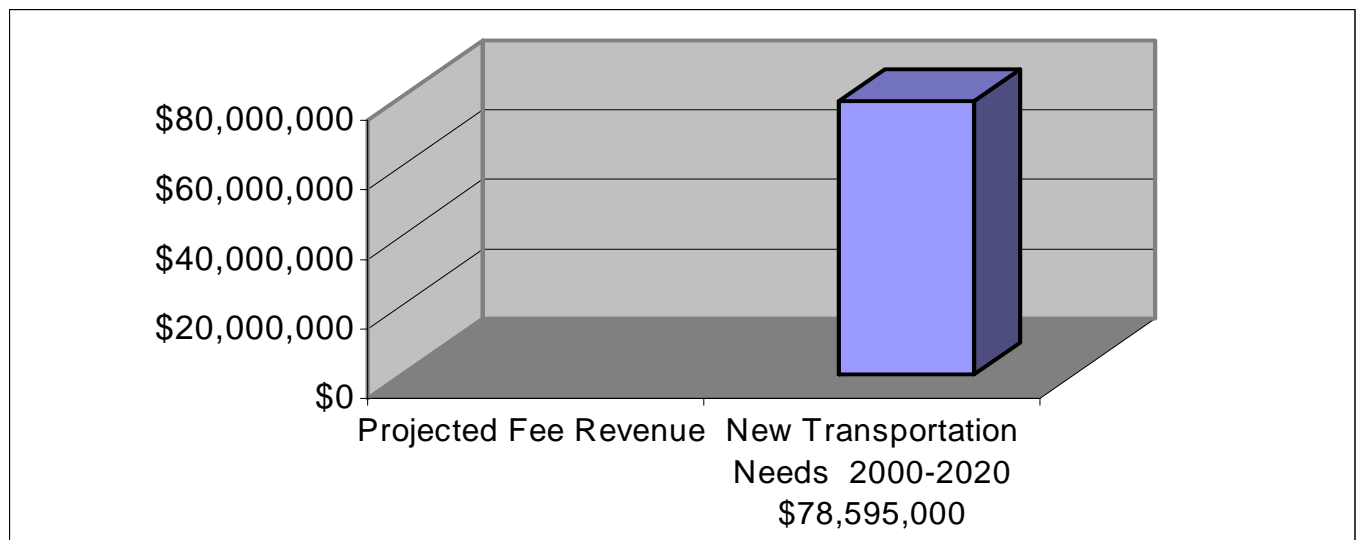
- Alterations or expansion of an existing building where no additional vehicular trips will be produced.
- Construction of accessory buildings or structures which will not produce any additional vehicular trips.
- Replacement of a destroyed or partially destroyed building with a new structure of the same size which will not produce any additional vehicular trips.

**Weld County Impact Fee** - Includes  
representative sample of land use types  
Net Fee by Land Use Type

Land Use Type	Unit	Fee/Unit
Single-Family Detached	Dwelling	\$1,878
Mobile Home Park	Site	\$941
Hotel/Motel	Room	\$1,748
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$5,762
Auto Service/Repair/Tire Store	1000 sq. ft.	\$2,485
Bank	1000 sq. ft.	\$12,995
Convenience Store	1000 sq. ft.	\$18,081
Restaurant, Fast Food	1000 sq. ft.	\$14,100
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$3,171
Office, Medical	1000 sq. ft.	\$7,083
Church/Synagogue	1000 sq. ft.	\$1,788
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$972

Projections

**Weld County/Windsor Service Area  
Road Improvement Needs  
To Serve New Development  
&  
Impact Fee Revenue Projection**



\* Long-range projected impact fee revenue figures were not available at printing.

## Windsor

Population: 9,896

### Transportation Impact Fee Regulation

Windsor approved a road impact fee ordinance in September 2001 that is based on the *Road Impact Fee Study*<sup>35</sup>. The purpose of the ordinance is the establishment of a system for the imposition of road impact fees within the Town to assure that new development contributes its proportionate share of the cost of providing, and benefits for the provisions of, road capital improvements within the "Windsor Benefit Area". The benefit area includes State Highways, 392 and 257, which were included with the expressed intent to expedite the commitment of state and federal funds.

### Level of Service

The Town has established a LOS of "C" or better for the Major Road System.

### Conditions

- Any person or government body who causes the commencement of traffic-generating development within the incorporated area of Windsor.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.
- The schedule of impact fees will be reviewed at least every 5 years, the purpose of which is to assess potential changes in needs, characteristics of land uses, and analyze the effects of inflation on actual costs.
- Applicants for a new development have the option of conducting an independent fee calculation study if the applicant feels the proposed new development will have less of an impact on the need for new road facilities than indicated in the set fee schedule of the regulation.

### Exemptions

- Alterations or expansions of existing building where no additional dwelling units or vehicular trips will be produced.
- Construction of accessory buildings or structures which will not produce any additional vehicular trips.
- The replacement of a destroyed or partially destroyed building with a building of the same size that provides no additional vehicular trips.
- At the discretion of the Town Board, the fee may be waived for reasons of economic development.

If the impact fee is waived for new development, the Town Board will use non-dedicated Town funds to reimburse the Road Impact Fee Fund.

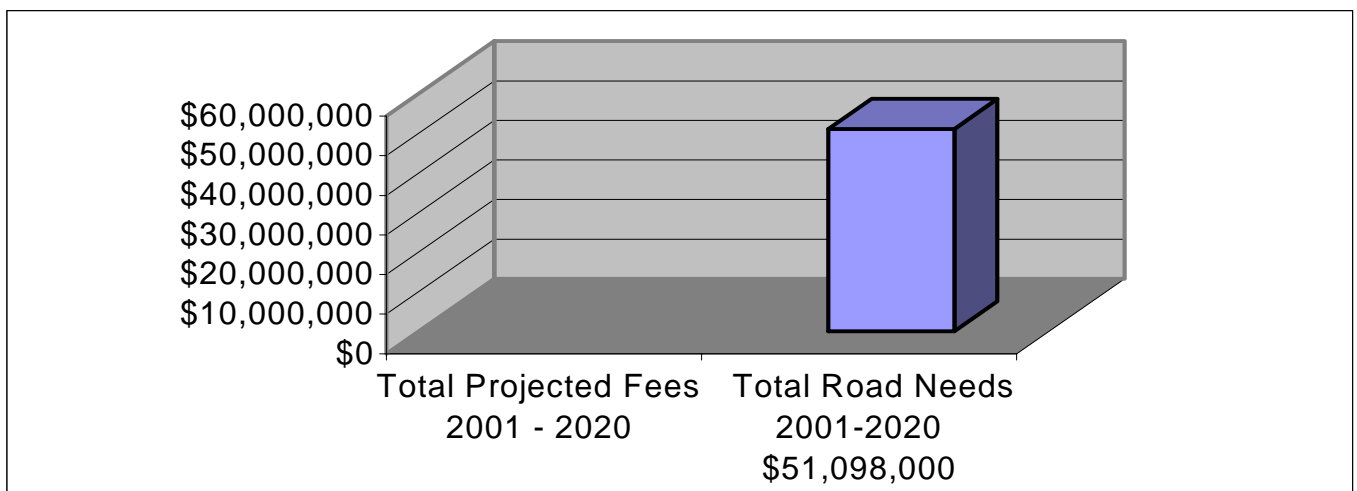
**Windsor Impact Fee** - Includes  
representative sample of land use types  
Net Fee by Land Use Type

Land Use Type	Unit	Fee/Unit
Single-Family Detached	Dwelling	\$1,993
Mobile Home Park	Site	\$998
Hotel/Motel	Room	\$1,714
<b>Retail/Commercial</b>		
Shop Ctr/Gen Retail < 500,000 sf	1000 sq. ft.	\$6,065
Auto Service/Repair/Tire Store	1000 sq. ft.	\$2,637
Bank	1000 sq. ft.	\$7,446
Convenience Store	1000 sq. ft.	\$11,513
Restaurant, Fast Food	1000 sq. ft.	\$10,319
<b>Office/Institutional</b>		
Office General <100,000 sf	1000 sq. ft.	\$3,366
Office, Medical	1000 sq. ft.	\$7,517
Church/Synagogue	1000 sq. ft.	\$1,897
<b>Industrial</b>		
Warehouse	1000 sq. ft.	\$1,032

### **Projections**

As the Road Impact fee program is new for Windsor, revenue projections are based solely on forecasts for growth and new development.

### **Windsor Projected Road Needs & Impact Fee Revenue Projection**



\* Long-range projected impact fee revenue figures were not available at printing.

# **Regional Synopsis**



Comparative  
Charts & Graphs

<b><u>NFRMPO - INDIVIDUAL MEMBER TRANSPORTATION IMPACT FEES</u></b>		
<b>Entity</b>	<b>Impact Fee Regulation?</b>	
	<b>Yes</b>	<b>No</b>
<b>Berthoud</b>	✓	
<b>Evans</b>	✓	
<b>Fort Collins</b>	✓	
<b>Garden City</b>		✓
<b>Greeley</b>	✓	
<b>Johnstown</b>	✓	
<b>Larimer County</b>	✓	
<b>La Salle</b>		✓
<b>Loveland</b>	✓	
<b>Milliken</b>	✓ *	
<b>Timnath</b>		✓
<b>Weld County</b>	✓	
<b>Windsor</b>	✓ **	

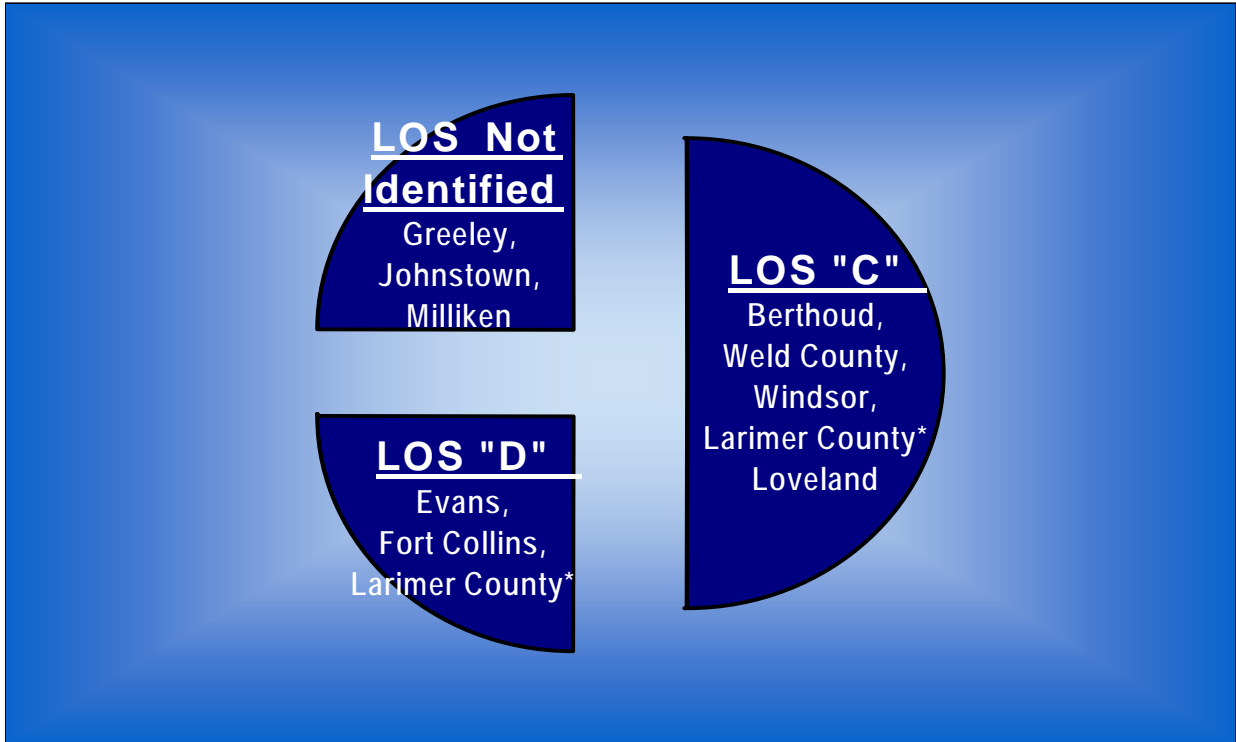
\*Milliken has traffic impact fees for single family dwellings only and does not have a full schedule of transportation impact fees.

\*\*Weld County has transportation impact fees for the unincorporated area of Windsor but does not currently have fees for the remaining area of Weld county that is within the NFRMPO boundary.

<b><u>NFRMPO - INDIVIDUAL MEMBER APF REGULATIONS</u></b>		
<b>Entity</b>	<b>APF Regulation?</b>	
	<b>Yes</b>	<b>No</b>
<b>Berthoud</b>		✓
<b>Evans</b>	✓	
<b>Fort Collins</b>	✓	
<b>Garden City</b>		✓
<b>Greeley</b>		✓
<b>Johnstown</b>		✓
<b>Larimer County</b>	✓	
<b>LaSalle</b>		✓
<b>Loveland</b>	✓	
<b>Milliken</b>		✓
<b>Timnath</b>		✓
<b>Weld County</b>		✓
<b>Windsor</b>		✓



## Level of Service Standard



Level of Service (LOS) is a qualitative measure describing operational conditions from A (best) to F (worst), within a traffic stream or at intersections, which is quantified for road segments by determination of a volume to capacity ratio (V/C), which is a measurement of the amount of capacity a road that is being utilized by traffic<sup>28</sup>. The maximum V/C for LOS "C" is 0.79 and the maximum V/C for LOS "D" is 0.89.

Individual communities determine what LOS or standard they deem acceptable. Therefore, the estimated long-range costs of maintaining each communities standard or level of service may vary considerably even when all infrastructure conditions (i.e. construction, maintenance, travel patterns, etc.) are similar.

- Larimer County has two different LOS standards; Urban areas are to be maintained at a LOS "D", while rural areas have been identified to be maintained at a LOS "C".

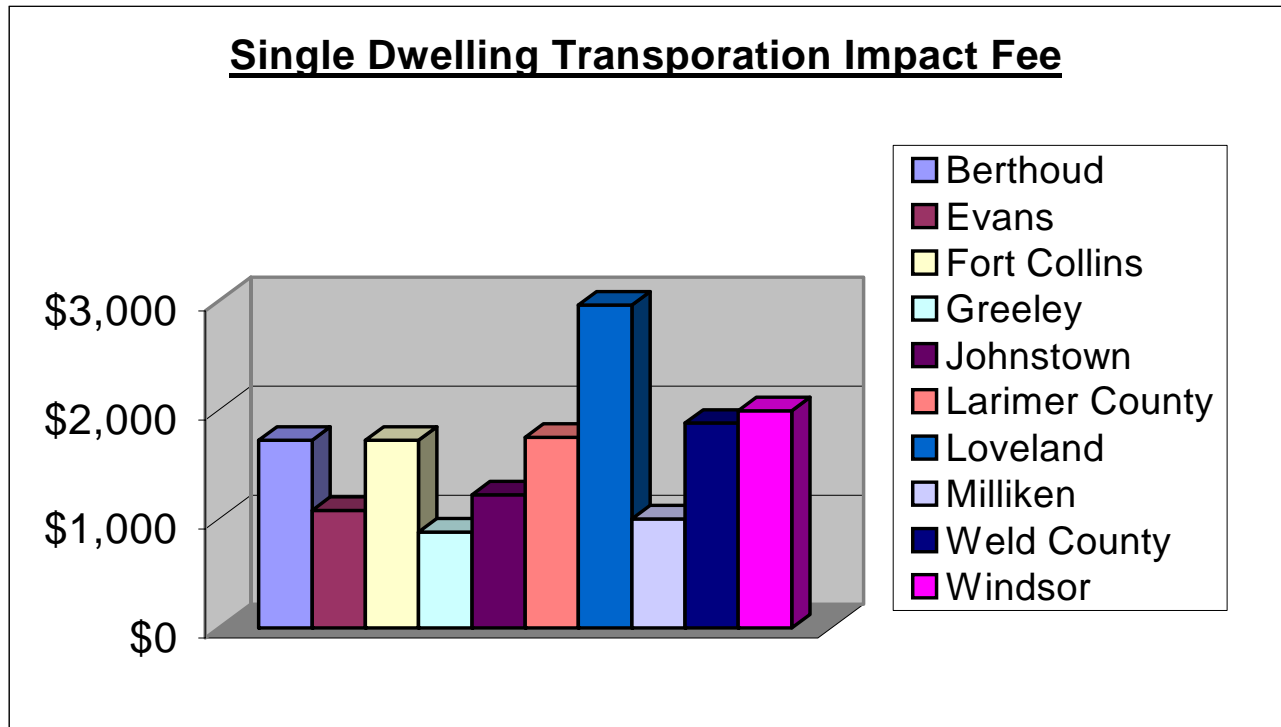
# Exemptions

All of the MPO member entities that have an impact fee ordinance or regulation in place have one or more criteria that might qualify a new development for exemption from impact fee requirements. The table below lists the general categories of exemptions found within the NFRMPO area.

Exemption	Berthoud	Evans	Fort Collins	Greeley	Johnstown	Larimer County	Loveland	Weld County	Windsor
Affordable Housing	✓						✓		
Community Facilities							✓		
Economic Development	✓		✓ a.				✓		✓
Exceptional Hardship			✓						
Industrial Development							✓		
Government Project	✓	✓					✓		
Mixed Use (complementary land use in close proximity to proposed development)							✓ b.		
No Additional Vehicle Trips	✓	✓		✓	✓	✓	✓	✓	✓
No New Dwelling units	✓	✓		✓	✓	✓	✓	✓	✓
Remodeling Addition of less than 1000 square feet	✓								
Replacement of structure with same size structure	✓	✓		✓	✓	✓	✓	✓	✓
Sales Tax Revenue comparable to existing businesses	✓								
Specific Community Area	✓ c.						✓		
Social or Cultural Benefit							✓		

- Must meet specific requirements for type of industry and compensation for employees.
- Mixed Use exemption allows for a 25% reduction in impact fee if new development meets mixed-use criteria.
- In Berthoud the specific area is SH 56/I-25 Interchange area; in Loveland the specific area is the Historic Downtown Area.

## Single-Family Dwelling Fees



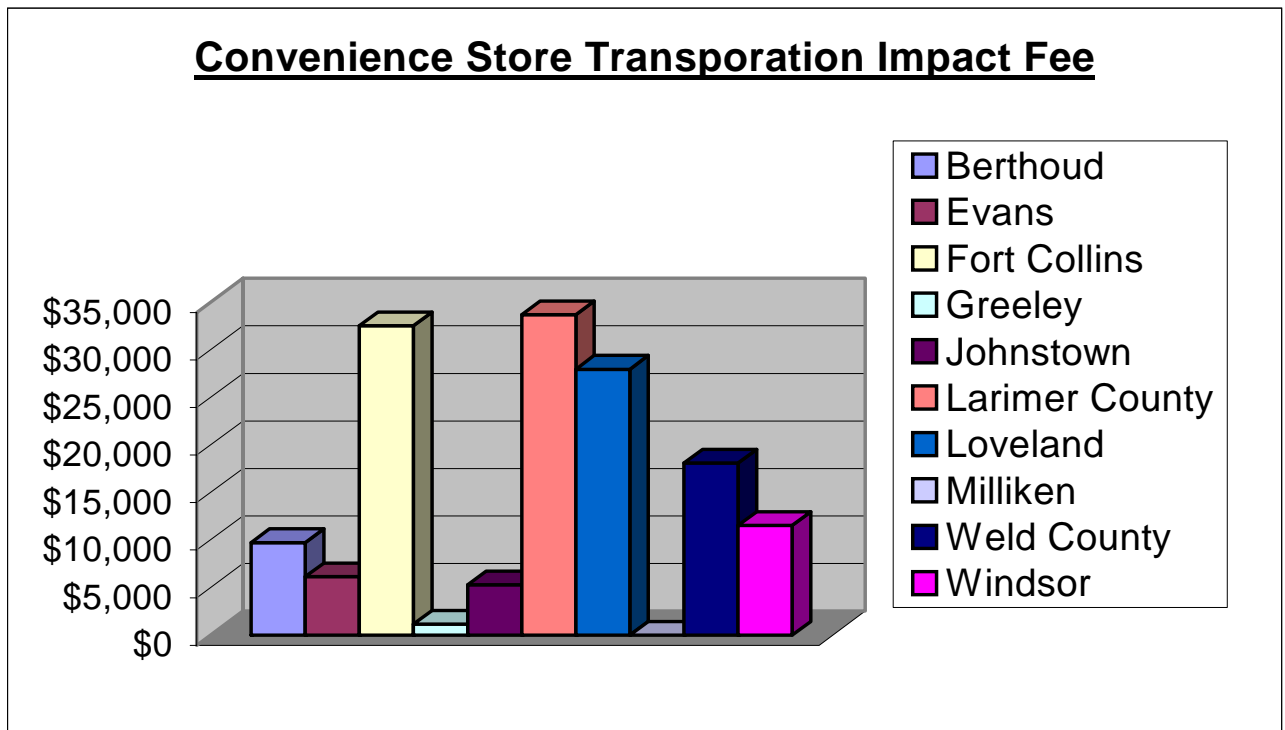
The specific dollar amounts for the individual entity single dwelling fees are as follows:

- Berthoud \$1,683
- Evans \$1,078
- Fort Collins \$1,721
- Greeley \$ 880
- Johnstown \$1,220
- Larimer County \$1,749
- Loveland \$2,962
- Milliken \$1,000
- Weld County\* \$1,878
- Windsor \$1,993

The NFRMPO communities of Garden City, Timnath and LaSalle were not included in the dwelling fee chart as they have do not have transportation impact fees.

\* Weld County currently has transportation impact fees in place in the unincorporated Windsor area.

## Convenience Store Fees



The specific dollar amounts for the individual entity convenience store fees are as follows:

- Berthoud           \$ 9,731
- Evans             \$ 6,125
- Fort Collins       \$32,530
- Greeley           \$ 1,150
- Johnstown        \$ 5,295
- Larimer County   \$33,674
- Loveland          \$27,950
- Milliken          \$     0
- Weld County      \$18,081
- Windsor           \$11,513

The NFRMPO communities of Garden City, Timnath and LaSalle were not included in the convenience store chart as they have do not have transportation impact fees.

\* Weld County currently has transportation impact fees in place in the unincorporated Windsor area.

## Summary

The governments within NFRMPO are a diverse group represented by communities that vary from a small town with 223 residents to a city with a population of almost 120,000. Each offers, within the legal framework of Colorado impact fee legislation, their own perspectives and solutions to the transportation costs associated with growth and new development. While there are a few governments within the MPO that do not have Impact Fee Programs and/or Adequate Public Facility Regulations, most have implemented programs that serve as working components of the community's transportation plan.

Fundamental to the process of implementing impact fee programs is change. All projections for growth and new development are forecasts and as a result, subject to revisions on a regular basis. Additionally, a community's transportation goals may change leading to shifts or directional change in transportation plans.

At the time this report went to print, four local governments within the NFRMPO were reviewing and potentially changing their impact fee regulations. Another has hired a consultant to conduct an impact fee study, which will be used as the basis for an impact fee program and schedule of fees. In order to reflect the changes that occur within the NFRMPO with respect to impact fees and the Project Prioritization Process, the impact fee report will be updated annually.

As the region continues to grow, impact fee programs will remain, if not become more vital, to the transportation planning process for local governments. While all regulations have similar parameters for implementation, impact fee programs, can be a flexible tool. Front-ending agreements are an example of impact fee funding that achieves multiple objectives usually to the benefit of a larger portion of the transportation system than might be achieved with more conventional impact fee use.

All components of the transportation planning process combined, the future of transportation funding is clear. Relying on traditional federal and state funding to adequately maintain and improve transportation infrastructure is no longer viable. While traditional sources in the North Front Range area remain an important part of the transportation-funding picture, they no longer represent the entire answer to transportation fiscal shortfalls. Alternative funding sources, once an option, now represent a necessity. Impact fees have roots in long-standing land-use planning legislation as well as community application at the local, state and national level and represent a necessary funding mechanism for needs associated with new development.



# APPENDIX

## **Glossary of Terms**

### Average Daily Trip (ADT)

The average number of vehicle trips on a given road segment per day.

### Adequate Public Facility Regulation (APFR)

Land use regulations that allow local governments to condition the approval of new development on the basis of the public facilities or services necessary to serve the new development are or will soon be in place.

### Capacity

The maximum number of vehicles which have a reasonable expectation of passing over a given section of road, during a given time period, under prevailing traffic conditions, expressed in terms of vehicles per day.

### Commercial or Industrial Use

Any use or establishment not defined as a dwelling unit.

### Development

Any construction or expansion of a building, structure or use, or any change in the use of any land, building or structure, which creates demand for public services.

### Dwelling Unit

One or more rooms connected together constituting a separate, independent household. Dwelling units fall into two category's, single-family dwelling unit and all other dwelling units including a duplex, multi-family or other dwelling unit.

### Impact Fee

A fee imposed on new development in connection with land development approval, which is meant to defray all or part of the costs associated with the new development.

### Level of Service (LOS)

A qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream or at intersections, which is quantified for road segments by determination of a volume to capacity ratio, which is a measurement of the amount of capacity of a road that is being utilized by traffic.

### Non-Site Related Improvements

Capital improvements and right-of-way dedications that are not site-related improvements.

### Public Facility

Government owned infrastructure including any land or structure that is for the public's use.



Service Unit

A standard unit of measurement of consumption, use, generation or discharge of a capital improvement or service.

Site-Related Improvements

Capital improvements and right-of-way dedications that provide direct access to the development.

Traffic Generating Development

Land development that will contain or convert to more dwelling units or floor space in a manner that increases the generation of vehicular traffic.

Transportation Plan

A compilation of reports, maps and other related portions of development standards and guidelines, which document a governments transportation policies and requirements.

Trip

A one-way movement of vehicular travel from one point (one trip end) to a destination (the other trip end).

Trip Generation

Amount or number of trips a new development will generate.

Vehicle Miles of Capacity (VMC)

The capacity of each segment of road multiplied by the length of each segment in miles.

Vehicle Miles Traveled (VMT)

The number of vehicles traveling during a given time period and the distance (in miles) they travel.

## End Notes

1. Heritage Planning Grant  
September 2001  
North Front Range MPO
2. IMPACT FEES: PRACTICAL GUIDE FOR CALCULATION AND  
IMPLEMENTATION By Dennis H. Ross, Fellow, ASCE and Scott Ian Thorp
3. Governors Office of State Planning and Budgeting  
2000-2001 Fiscal Year (July –June)  
Denver, Colorado
4. Federal Register, Vol. 58, No. 207  
Thursday October 28, 1993  
Rules and Regulations - Statewide Planning; Metropolitan Planning; Rule
5. The Metropolitan Transportation Planning Process: Key Issues  
Briefing Notebook of the Metropolitan Capacity Building Program  
U.S. Department of Transportation
6. Standard Planning and Enabling Act  
Sixty - Seventh Congress.  
Session II, Chapter 117  
1922
7. IMPACT FEES: PRACTICAL GUIDE FOR CALCULATION AND  
IMPLEMENTATION  
By Dennis H. Ross, Fellow, ASCE and Scott Ian Thorp
8. 29-1-801 – Colorado Legislative Declaration  
Re: land development charges
9. Larimer County Land Use Code  
Section 9.5.5, Definitions  
November 22, 1999
10. Colorado Senate Bill 01S2-015  
Concerning Land Development Charges  
That May Be Imposed By Local Governments  
Section 4. 29-20-104.5 - Impact fees

11. Project Prioritization Process  
Prepared for the NFRT&AQPC Technical Advisory Committee  
Prepared by Felsburg Holt & Ullevig Denver, Colorado  
Approved - May 2000
12. North Front Range 2025 Regional Transportation Plan  
Prepared by NFRT&AQPC  
With Assistance from:  
FELSBURG HOLT & ULLEVIG Denver, Colorado  
City Visions  
Clarion Associates  
LSC Transportation Consultants  
Kimley-Horn and Associates
13. Adequate Public Facilities Regulation (APFR) –  
Guidebook: Prepared for the North Front Range Transportation & Air  
Quality Planning Council  
Prepared by Clarion Associates, LLC Denver, Colorado
14. Road Impact Fee Study –*Design of Road Impact Fees* pg.4  
Prepared for Windsor, CO  
September 2001  
Prepared by Felsburg, Holt & Ullevig Denver, CO  
and Duncan Associates
15. Road Impact Fee Study –*Design of Road Impact Fees* pg.5  
Prepared for Windsor, CO  
September 2001  
Prepared by Felsburg, Holt & Ullevig Denver, CO  
and Duncan Associates
16. Street Oversizing Capital Expansion Fee Update  
City of Fort Collins Council Meeting  
December 19, 2000
17. Road Impact Fee Study –*Design of Road Impact Fees* pg.5  
Prepared for Windsor, CO  
September 2001  
Prepared by Felsburg, Holt & Ullevig Denver, CO  
and Duncan Associates

18. 29-1-801 – Colorado Legislative Declaration  
Re: land development charges
19. 29-1-803 – Deposit of Land Development Charge  
Colorado Legislature, January 1991
20. Town of Berthoud Road Impact Fee Study  
Felsburg, Holt & Ullevig Denver, Colorado  
December 2001
21. Street Oversizing Impact Fee Study Update  
City of Fort Collins  
Transportation Service Area  
Engineering Department  
October 17,2000
22. Base Industry  
The City of Fort Collins defines *Base Industry* as those firms that produce goods or services, at least 80% of which are produced for export to areas outside the city, and thereby import income into the city. Goods and services shall not include retail sales activities but may include, without limitation, manufactured goods, consulting services, research activities and the support services associated with a regional or national headquarters of a services-producing organization.
23. Base Industry Supplier  
The City of Fort Collins defines *Base Industry Supplier* as a firm that devotes at least 50% of its operations to providing a base industry with materials and supplies used in the base industry's manufacture or production of goods or services.
24. The Road Development Fee Study  
James Duncan and Associates  
December 1996
25. Greeley Comprehensive Transportation Plan  
Felsburg, Holt & Ullevig  
Denver, Colorado  
June 2002

26. Impact Fees  
Tischler & Associates, Inc.  
Bethsheda, Maryland  
January 2000
27. Larimer County Land Use Code  
Section 8.1.5 - Road Capacity and Level of Service Standard  
Revised November 22, 1999
28. Larimer County Transportation Capital Expansion Fee  
and Park In-Lieu Study  
Duncan & Associates in cooperation with  
Felsburg, Holt and Ulevig  
S. Craig Richardson, Esq.  
October 1998
29. Larimer County Land Use Code  
Section 9.6 – Regional Transportation Capital Expansion Fee  
Revised November 22, 1999
30. Loveland Municipal Code  
Title 16 – Subdivision of Land  
Section 16.38.010
31. 2020 Transportation Plan  
City of Loveland  
July 18, 2000
32. Loveland Ordinance 4444 § 1 (part) 1999  
Ordinance § 1 (part), 1997
33. Ordinance # 3855  
Amending section 16.38.025 of the Loveland Municipal Code  
November 17, 1992
34. Road Impact Fee Study  
Windsor and Southwest Areas, Weld County  
Duncan Associates in association with  
Felsburg, Holt and Ullevig  
F. Craig Richardson, Esq.  
May 1999

35. Road Impact Fee Study  
Prepared for Windsor, CO  
September 2001  
Prepared by Felsburg, Holt & Ullevig Denver, CO  
and Duncan Associates